

THIRTY-THIRD DAY

(Thursday, March 9, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent—Excused

Hazlewood	Weinert
Hudson	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, the Ethiopian cannot change his skin, nor the leopard his spots. Neither can we change our sinful nature without Thy help. All we can ever be is by Thy grace. Help us through this day, and may our private lives and public actions be consistent with our prayers. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday were dispensed with and the Journal was approved.

Leaves of Absence

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 29, Inviting Dr. James H. Jauncey to address a Joint Session of both Houses at 11:30 a.m. on Thursday, March 9, 1961.

Senate Resolution 169

Senator Moffett offered the following resolution:

Whereas, It is with deep regret that word has been received of the sudden illness of Mrs. Johnnye Ruth Weinert, wife of our beloved colleague, Senator R. A. Weinert; and

Whereas, Senator Weinert has served almost twenty-five years in the Senate of Texas, during which time both he and Mrs. Weinert have endeared themselves not only to the Members of the Senate but to their families as well; and

Whereas, It is desired to express to Mrs. Weinert our deep concern over her absence from our midst; now, therefore, be it

Resolved, by the Senate of the 57th Legislature, That we extend to Mrs. Weinert our warm affection and sincere wishes for a speedy recovery.

MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Colson and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred S. B. No. 267, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 282, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 315, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 269, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 180, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Roberts submitted the following report:

Austin, Texas,
March 8, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 313, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 165, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred S. B. No. 105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 206, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 150, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 298, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 308, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 327, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 100, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 100 was read the first time.

Senate Resolution 171

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Ray Schaefer and Albert Fuentes; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 172

Senator Creighton offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Girls' Basketball Team of Boyd, Wise County, Texas, accompanied by their teachers and sponsors, Mrs. H. A. Dean, Mrs. H. B. Beauchamp, Mr. Bill Lipstreu, and Mr. Vance Roberts; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Creighton by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 173

Senator Aikin offered the following resolution for Senator Herring:

Whereas, We are honored today to have in the gallery of the Senate, twenty-four fifth grade students of Pease School, Austin, Travis County, Texas, accompanied by their teacher, Miss Ann Huddleston; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal

of the Senate, be mailed to them in recognition of their visit.

**HERRING
AIKIN**

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the students and Miss Huddleston to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Kazen:

S. B. No. 343, A bill to be entitled "An Act amending Section 2 of Chapter 363, Acts of the 50th Legislature, Regular Session, 1947, codified as Section 2 of Article 5798a-4, Vernon's Texas Civil Statutes, by increasing to twenty-five dollars (\$25) the per diem paid members attending regular and called meetings of the Veterans' affairs Commission and declaring an emergency."

To the Committee on Finance.

By Senator Colson:

S. B. No. 344, A bill to be entitled "An Act amending Article 3913 of the Revised Civil Statutes of Texas, 1925, and repealing Article 3919 of the Revised Civil Statutes of Texas, 1925, relating to fees charged for services by State departments; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Colson:

S. B. No. 345, A bill to be entitled "An Act amending Article 9.03 of the Texas Non-Profit Corporation Act relating to fees charged by the Secretary of State; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Colson:

S. B. No. 346, A bill to be entitled "An Act amending Article 10.01 of the Texas Business Corporation Act relating to fees charged by the Secretary of State; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Colson:

S. B. No. 347, A bill to be entitled "An Act amending Article 3914 of the Revised Civil Statutes of Texas, 1925, relating to certain fees charged by the Secretary of State; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Dies:

S. B. No. 348, A bill to be entitled "An Act relating to establishment of a Presidential Preferential Primary and binding delegates to national conventions to support and vote for the person who, in the Presidential Preferential Primary in their party primary, received the highest number of votes, amending Chapter 13 and Article 235 of the Election Code of Texas, 1951, as amended; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Martin:

S. B. No. 349, A bill to be entitled "An Act amending Chapter 156, Acts of the Fortieth Legislature, Regular Session, 1927, as amended, (codified as Article 200a, V.T.C.S.) by adding a section designated as Sec. 2a, providing for the calling of annual and other meetings of the Presiding Judges of the Administrative Judicial Districts by the Chief Justice of the Supreme Court of Texas and providing for their expenses; outlining the purposes and objectives of such meetings; providing for the designation and assignment of district judges for service in other Administrative Judicial Districts by the Chief Justice under certain conditions; providing for additional compensation for district judges holding court outside of their counties and districts by assignment under this Act; providing a severability clause; providing a repealing clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hardeman:

S. B. No. 350, A bill to be entitled "An Act relating to filing fees for candidates for all State-wide elections, amending Article 32a and Subarticle (b) of Article 193 of the Election Code of Texas, 1951, as amended, and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Hardeman:

S. B. No. 351, A bill to be entitled "An Act to amend Article 3.42 of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended, by Acts 1957, 55th Legislature, Chapter 501) relating to the filing with and approval by the Board of Insurance Commissioners of all policy forms, endorsements, and riders issued by any life, accident, health accident and health or hospitalization insurance company, doing business in this state; prescribing the method of filing and providing for its approval within fifteen days unless approved or disapproved within such time by written order of the Board; providing specific grounds for disapproval; providing for judicial review of any such orders; repealing all laws in conflict herewith; providing for a severability and saving clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Baker:

S. B. No. 352, A bill to be entitled "An Act amending Section 5 of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943, as amended, and codified as Article 5172a of Vernon's Civil Statutes, providing for the limiting of hours of labor and prescribing of wages for overtime labor for certain female employees including employees of banking institutions; repealing all laws in conflict; and declaring an emergency."

To the Committee on Banking.

By Senator Roberts:

S. B. No. 353, A bill to be entitled "An Act amending Sections 1 and 2, Chapter 186, Acts of the 44th Legislature, Regular Session, 1935, as amended by Chapter 374, Acts of the 56th Legislature, Regular Session, 1959, codified as Article 1370a in Vernon's Texas Penal Code, prohibiting the running at large of livestock; limiting the meaning of the term 'running at large'; providing immunity from liability for injuring animals running at large except for gross negligence or wilful intent; authorizing the impounding of unattended animals under certain conditions and providing for their disposition; providing for enforcement; repealing all laws or parts of laws in conflict to the extent of such conflict; providing for

severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Hardeman for Senator Hazlewood:

S. B. No. 354, A bill to be entitled "An Act amending Subsection 1 (b) of Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as amended, to provide that trailers and semi-trailers whose gross loaded weight is less than 1,500 pounds may be moved on the highways by vehicles otherwise qualified at speeds permissible for private passenger vehicles; and declaring an emergency."

To the Committee on Transportation.

By Senator Hardeman for Senator Hazlewood:

S. B. No. 355, A bill to be entitled "An Act amending Section 1 of Chapter 223, Acts of the 51st Legislature, Regular Session, 1949, codified as Article 2647d, Vernon's Texas Civil Statutes, so as to change the name of West Texas State College at Canyon, to West Texas University; making all laws and agreements heretofore or hereafter enacted applicable under the new name; providing jurisdiction shall remain under Board of Regents of Texas State Teachers Colleges; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hardeman for Senator Hazlewood:

S. B. No. 356, A bill to be entitled "An Act relating to scholastic age; amending Article 2902, Revised Civil Statutes of Texas of 1925, as amended, Chapter 20, Acts of the 42nd Legislature, 1st Called Session, 1931 (compiled as Art. 2904a of Vernon's Annotated Civil Statutes), to provide that children who will be six (6) years of age by December 31st of a scholastic year shall be included in the scholastic census and entitled to the benefit of the public school fund for that year; and declaring an emergency."

To the Committee on Education.

By Senator Crump:

S. B. No. 357, A bill to be entitled "An Act amending Article 2.08 of Chapter 2, of the Insurance Code

(Acts of 1951, 52nd Legislature, as amended by the Acts of the 1955, 54th Legislature, page 413, Chapter 117, Section 9, and as amended by Acts of the 1959, 56th Legislature, page 250, Chapter 145, Section (1), to provide that items of minimum capital stock and minimum surplus shall consist only of cash; bonds of this State or of the United States; other evidences of indebtedness guaranteed as to principal and interest by the United States; insured first mortgages on unencumbered real estate in this State, provided that investment in such note shall not exceed one-half of the minimum capital stock and minimum surplus of the investing company; and in bonds or other interest bearing evidences of indebtedness of any counties, cities, or other municipalities of this State; and amending Article 2.10, of Chapter 2 of the Insurance Code (Acts of the 1951, 52nd Legislature, as amended by Acts of the 1955, 54th Legislature, page 413, Chapter 117, Section 10, as amended by Acts of the 1959, 56th Legislature, page 96, Chapter 49, Section 1), to provide definite requirements as to types and qualification of securities for the investment of funds in excess of minimum capital and minimum surplus; repealing conflicting laws and parts of laws to the extent of such conflicts; containing a savings clause; and declaring an emergency."

To the Committee on Insurance.

By Senators Crump and Moore:

S. B. No. 358, A bill to be entitled "An Act relating to the admissibility of written statements into evidence; providing a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Crump:

S. B. No. 359, A bill to be entitled "An Act amending Articles 1.04 and 1.09-3 of the Insurance Code, same being Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, page 868, as amended, to add paragraph (h) to said Article 1.04 of the Insurance Code to provide for rate hearings by a member of the State Board of Insurance or other representative of the Board, other than the Commissioner of Insurance, written recommendation to be made by the Board representative as to the disposition of such assigned rate matter;

providing the matters to be presented to said State Board in connection therewith; providing that a majority of the said State Board may upon the record render decision as if the case had been heard before a majority of the members of the State Board, and providing that the decision of the said Board should specify the reasons therefor; revising the standard of conduct of the Insurance Department; making it unlawful for a representative of an insurance company to give or offer to give or pay to any member of the State Board of Insurance, Commissioner of Insurance or any agent or employee of the State Board of Insurance any money, gift or thing of value that might reasonably tend to influence such person in the discharge of his official duties, and providing a penalty; repealing all laws and parts of laws in conflict with the provisions of this Act to the extent of such conflict only; providing for a severability and savings clause as to any invalid provisions of this Act; and declaring an emergency."

To the Committee on Insurance.

By Senator Owen:

S. B. No. 360, A bill to be entitled "An Act amending Section 18 of Chapter 101, Acts of the 43rd Legislature, 1st Called Session, 1933, as added by Chapter 16, Acts of the 56th Legislature, Regular Session, 1959, relating to the firemen and policemen pension fund; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Owen:

S. B. No. 361, A bill to be entitled "An Act amending Article 714 of the Code of Criminal Procedure of Texas of 1925 by providing that the rules of excluding testimony be changed so that husband and wife can more fully testify and be subject to broader rules of cross-examination when used as a witness for the other, repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 362, A bill to be entitled "An Act to amend Title 10 entitled Appeal and Writ of Error of the Code of Criminal Procedure of Texas of 1925 by adding a new article design-

nated as Article 845a, providing the time, contents, and rules for the filing of briefs in the Court of Criminal Appeals; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 363, A bill to be entitled "An Act relating to adult probation and parole; amending Section 3 of Article 2 of Senate Bill No. 154, Page 466, Chapter 226 of the Act of 1957 of the 55th Legislature known as the Adult Probation and Parole Law of 1957 by providing that probated sentences may be granted in all felony cases and adding thereto additional sections to be known as Sec. 3A and Sec. 3B providing that juries in the trial of all criminal felony cases on a plea of guilty or not guilty may recommend probation of any sentence in such felony criminal action where the defendant has not theretofore been convicted of a felony in this or any other state; providing how such probation shall be applied for and that such recommendation shall be obligatory upon the court; providing for the introduction of evidence as to the general reputation of the defendant where the defendant files an application for probation and states under oath that he has never been convicted of a felony and that his reputation is good; providing how a probated sentence granted by a jury may be revoked; repealing the following statutes relating to suspended sentences; Articles 776, 778, 779, (as amended by Chapter 602, Acts 47th Legislature, 1941), 780 and 781 of the Code of Criminal Procedure of Texas of 1925; that portion of the Act of 1927, 40th Leg., p. 412, ch. 274, section 2, providing for a suspended sentence and Articles 776A and 777 of Vernon's Code of Criminal Procedure, being Acts of 1931, 42nd Legislature, Page 65, Chapter 43, as amended; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 364, A bill to be entitled "An Act to amend Chapter 16, Title 15, Article 1257 of the Penal Code of Texas, 1925, as amended by Chapter 274, Acts 40th Legislature, 1927, so as to change the minimum penalty for murder from two to five years in the penitentiary; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 365, A bill to be entitled "An Act providing that defendants may put up cash money or the equivalent thereof in approved securities in lieu of a bond or recognizance in all cases before District or County Courts where bail is allowed under existing law; providing for a forfeiture, the safe keeping and return of same, the procedure and construction in regard thereto; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 366, A bill to be entitled "An Act making it a misdemeanor to maliciously obstruct emergency telephone calls; providing penalties; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Colson:

S. B. No. 367, A bill to be entitled "An Act amending Article 3918 of the Revised Civil Statutes of Texas, 1925, as amended, relating to fees charged for services rendered by the General Land Office; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Aikin:

S. B. No. 368, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, comprising certain territory contained in Bowie County, Texas, to be known as 'Bowie County Water Supply District' (hereinafter called District; constituting the same a governmental agency and body politic and corporate; defining the boundaries thereof and declaring that the creation of said District is essential to the accomplishments of the purposes of Section 59 of Article XVI of the Texas Constitution; providing that the purposes of the Act are to provide for construction, acquisition and operation of a water supply and waste disposal system for municipal, domestic and industrial uses; fixing the District's legal domicile; providing for a Board of Directors, their terms, the filling of vacancies, the selection of successors, fixing their compensation, prescribing the duties and qualifications of such Directors, naming the first Board of Directors and

fixing their respective terms; prescribing the rights, powers, privileges and duties of said District; making applicable to the District Title 52, Revised Civil Statutes, or the statutes governing districts organized under general law pursuant to Section 59 of Article XVI of the Texas Constitution, relating to eminent domain; providing for surveys by District, exempting such surveyors from trespass and fixing penalties for anyone knowingly interfering with such surveys; providing for inter-basin transfers of waters between Barkman Creek and Red River in Bowie County, Texas; providing for water and waste disposal contracts with District, priorities to water and waste disposal service and method of contracting, recording of such contracts and effect of such recording as notice thereof and of rights created thereby; providing for discontinuance of water and waste disposal service and the order thereof in event of water shortage or inadequacy of facilities; providing means District may employ in securing permits to appropriate waters of Barkham Creek and Red River in Bowie County, Texas; exempting District from execution of cost or super-sedeas bonds; prescribing the purposes for which indebtedness may be created and bonds of District may be issued, the method of securing the payment thereof, and the procedure and terms for the issuance and sale of such bonds; providing for the refunding of the District's indebtedness and bonds; providing for submission of bond issues to the Attorney General for approval and registration thereof by the Comptroller of Public Accounts; providing for the incontestability of bonds so approved and registered; exempting the District's bonds and property from taxation; providing for procedures for protection of bondholders if bonds become in default or default thereof is threatened; providing that bonds of District shall be authorized investments in certain instances and eligible to secure deposit of certain funds; prohibiting the District from levying or collecting taxes or assessments or creating any debt payable out of taxes or assessments; providing that the District shall have power to fix rates and charges for water and waste disposal service furnished; enacting provisions incident and relating to the subject; providing for liberal construction of the Act;

providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Aikin:

S. B. No. 369, A bill to be entitled "An Act authorizing independent school districts to borrow money for current maintenance expenses; providing for the method of evidencing such loans by the issuance of negotiable notes; prescribing the conditions under which such notes may be issued; enacting other provisions related to the subject; providing that this Act is cumulative of Article 2827 V.A.R.C.S. of Texas; and declaring an emergency."

To the Committee on Education.

By Senator Aikin for Senator Herring:

S. B. No. 370, A bill to be entitled "An Act to carry into effect Section 62, Subsection a, Article XVI, of the Constitution of Texas, relating to establishment of retirement, disability, and death compensation fund for officers and employees of the State, by providing such benefits to elective State officials holding offices in this State."

To the Committee on State Affairs.

By Senator Aikin for Senators Herring and Hudson:

S. B. No. 371, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 294, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding thereto a new subsection providing for the definition of fair, just and equitable as used in the Act; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Aikin for Senator Herring:

S. B. No. 372, A bill to be entitled "An Act making an appropriation to the Vocational Rehabilitation Division of the Texas Education Agency to provide funds for the rehabilitation of severely physically disabled Texas citizens for the biennium 1961-62 and 1962-63; defining Severely Physically Disabled, Comprehensive Rehabilitation, Rehabilitation Facility; providing for repealing and severability clauses;

declaring Legislative intent; and declaring an emergency."

To the Committee on Finance.

By Senator Aikin for Senator Herring:

S. B. No. 373, A bill to be entitled "An Act to amend Section 1 of Article 2.07, Insurance Code (Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature, Regular Session (1951), Page 868, as amended by Acts of 1957, 55th Legislature, Page 87, Chapter 41, Section 1) providing that the capital stock of a domestic insurance company with a nominal or par value shall be divided into shares of not less than one dollar (\$1.00) each, and not more than one hundred dollars (\$100.00) each, providing that at least fifty percent of the authorized shares with a nominal or par value shall be in good faith subscribed and paid for, and further providing certain requirements essential to the issuance and sale of stock in various situations and the reports to be filed thereon; and to amend paragraphs (a), (b), (c) and (d) of Article 3.02a, Insurance Code (Acts 1955, 54th Legislature, Page 916, Chapter 363, Section 4) providing that the capital stock of a domestic life insurance company with a nominal or par value shall be divided into shares of not less than one dollar (\$1.00) each, and not more than one hundred dollars (\$100.00) each, providing that at least fifty percent of the authorized shares shall be in good faith subscribed and paid for; and further providing certain requirements essential to the issuance and sale of such stock and the reports to be filed thereon; repealing conflicting laws and parts of laws to the extent of such conflict; providing for a severability clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Gonzalez:

S. B. No. 374, A bill to be entitled "An Act amending the Penal Code of Texas, revision of 1925, by adding thereto a new article to be designated Article 827a-1 relating to the length of motor vehicles and combinations thereof designed exclusively for the transportation of automobiles, trucks and buses, repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

To the Committee on Transportation.

(Senator Aikin in the Chair.)

By Senator Martin:

S. B. No. 375, A bill to be entitled "An Act relating to dentistry; pertaining to dentists and narcotic drugs, permitting removal of cases without prescriptions; removing fund limitation; prescribing dental and dental hygiene fees, subjects, and method of examination; and providing for annual registration fees; amending Chapter 7, Title 12, of the Penal Code of Texas, 1925, as amended; amending Section 1 of S. B. 268, 56th Legislature, Regular Session, 1959, Article 4551f, Chapter 9, Title 71, of the Revised Civil Statutes of Texas; amending Article 4550a, Section 3, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of H. B. 362, Chapter 371, General and Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Article 4544, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of H. B. 362, Chapter, 371, General and Special Laws of Texas, 50th Legislature, Regular Session, 1947; amending Section 5 of S. B. 453, Acts Regular Session, 52nd Legislature, Page 843, Chapter 475, General and Special Laws of Texas; amending Article 4550a, Section 1, as last amended by Section 2 of Acts, 1947, 50th Legislature, Page 752, Chapter 371; providing a severance clause; repealing all laws in conflict; and declaring an emergency."

To the Committee on Public Health.

By Senator Patman:

S. B. No. 376, A bill to be entitled "An Act amending Section 5 and Subsection (2) of Paragraph A of Section 6 of Chapter 382, Acts of the 56th Legislature, Regular Session, 1959, which are codified as Section 5 and Subsection (2) of Paragraph A of Section 6 of Article 6066d, Vernon's Texas Civil Statutes, by removing certain appliance salesmen from licensing provisions as well as persons engaged in installing and repairing certain appliances; and declaring an emergency."

To the Committee on State Affairs.

By Senator Patman:

S. B. No. 377, A bill to be entitled "An Act amending Section 1 of Chapter 360, Acts of the 47th Legislature, Regular Session, 1941, to provide that the Commissioners Court in all coun-

ties of this State may provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village therein; to provide that this equipment may be paid for by time warrants drawn on the General Fund; and declaring an emergency."

To the Committee on State Affairs.

By Senator Patman:

S. B. No. 378, A bill to be entitled "An Act creating a juvenile board in Victoria County; prescribing the membership and powers of the board and providing for the compensation of its members; authorizing the county commissioners to appoint a chief probation officer and such other personnel as may be necessary to the proper functioning of the probation department; providing for compensation of probation department personnel; providing that the commissioners court shall provide necessary funds for salaries and expenses necessary to the proper operation of the department; providing for severability; repealing conflicting laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Resolution 174

Senator Smith offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Sands Basketball Team of Ackerly, Texas, in Dawson County, accompanied by their teacher, Mrs. J. H. Woods; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Smith by unanimous consent presented the members of the Sands Basketball Team to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 265, Amending Article 5728 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall fix and collect fees for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; providing the method of attaching certain test certificates or seals; providing for maximum fees and the manner and time of collection; providing for payment of all moneys collected into the State Treasury and placed by the State Treasurer in the Special Department of Agriculture Fund for enforcement and administration purposes; providing that no city maintaining a Weights and Measures Department for checking weights and checking devices shall be precluded by this Act from operating such Department; providing for the repairing, removal of rejection tags and issuance of placing in service reports on devices found inaccurate and condemned and providing for the collection of fees therefor; providing for testing services during certain periods; providing that the weight, measure, or weighing or measuring instrument shall not be used until such fee is paid; providing a penalty for violation of Act; repealing all conflicting laws; providing a saving clause; and declaring an emergency.

S. B. No. 89, Changing the name and designation of the Criminal Judicial District Court of Bexar County, Texas, as originally created by H. B. No. 131, Acts of 1933, 43rd Legislature, page 867, Chapter 247, and as now provided for by H. B. No. 486, Acts of 1957, 55th Legislature, page 1478, Chapter 507, to the 144th Judicial District Court of Bexar County, Texas; changing the name and designation of the Criminal Ju-

dicial District Court No. 2, as originally created by S. B. No. 395, Acts of 1955, 54th Legislature, page 730, Chapter 262, and as now provided for by H. B. No. 486, Acts of 1957, 55th Legislature, page 1478, Chapter 486, to the 175th Judicial District Court of Bexar County, Texas; providing that the duly elected judges of the Criminal Judicial District Court and the Criminal Judicial District Court No. 2 of Bexar County, Texas, shall be the judges of the 144th Judicial District Court and the 175th Judicial District Court of Bexar County, Texas, respectively, until the time for which they have been elected expires and their successors qualify; providing that all appropriations heretofore made for the payment of the salaries and expenses of the judges of the Criminal Judicial District Court and the Criminal Judicial District Court No. 2 of Bexar County, Texas, shall be made available for the payment of the salaries and expenses of the 144th and 175th Judicial District Courts of Bexar County, Texas; providing for official seals of said courts; and declaring an emergency.

S. B. No. 239, Amending Section (a) of Article 6686 of the Revised Civil Statutes of Texas, 1925, as amended, relating to manufacturers and dealers registration of motor vehicles; and declaring an emergency.

H. B. No. 56, Amending Chapter 243, passed at the Regular Session of the Fifty-third Legislature in 1953, as heretofore amended by Chapter 196, passed at the Regular Session of the Fifty-fourth Legislature in 1955, and by Chapter 204, passed at the Regular Session of the Fifty-fifth Legislature in 1957, all relating to the Canadian River Municipal Water Authority; providing that a majority in number of the Authority's Board of Directors shall constitute a quorum for the transaction of any and all business; providing that a majority vote of a quorum present shall be sufficient in all official actions except as otherwise specifically provided; providing that water service charges, rates and penalties may be fixed only by unanimous vote of a quorum present at a regular meeting; providing that after having contracted with the Authority for a water supply, no member city shall be eliminated from the Authority by virtue of failure to call or carry subsequent contract elections; providing for the removal of

procedures requiring notice of the Authority's Board of Directors' intent to call bond election and provisions for member city requests for withdrawal from the Authority upon receipt of notice of its intention to call a bond election; ratifying, confirming and validating (a) the creation of the Canadian River Municipal Water Authority and all proceedings and actions taken in connection with its present organization; (b) the organization of its Board of Directors as from time to time constituted; (c) all acts and proceedings heretofore accomplished by its Board of Directors; (d) all elections heretofore held in the Authority; (e) the authorization and execution of contract between the Authority and the United States dated November 28, 1960; (f) the authorization and establishment of rates for water services to be furnished by the Authority to its constituent cities; and (g) the authorization and execution of water supply contracts between the Authority and its constituent cities; providing the Act shall have no application to certain pending litigation; providing a saving clause; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 175

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the Honorable Martin Dies, Sr., and Mrs. Dies, the father and mother of our esteemed colleague, Senator Martin Dies, Jr.; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be given special recognition by the Senate of Texas and that the Honorable Martin Dies, Sr., be requested to address the Senate.

MOFFETT
MARTIN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers,

Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senator Moffett by unanimous consent presented the guests to the Members of the Senate.

The Presiding Officer announced the appointment of Senators Moffett, Martin and Kazen to escort the Honorable Martin Dies, Sr., to the President's Rostrum. Senator Aikin presented Senator Moffett and he presented Mr. Dies to the Senate.

Mr. Dies then addressed the Senate relating some of his experiences while serving as a member of Congress and his campaigns for election. He then thanked the Senators for the privilege and honor bestowed upon him.

Joint Session

(To hear address of Dr. James H. Jauncey of El Paso)

The Presiding Officer announced at 11:30 o'clock a.m. that the time had arrived pursuant to the provisions of H. C. R. No. 29 for the Joint Session to hear the address of Dr. James H. Jauncey.

The Presiding Officer (Senator Aikin in the Chair) and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Presiding Officer (Senator Aikin in the Chair) was invited to occupy a seat on the Speaker's Stand.

The Presiding Officer called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order, and announced a quorum of the House present.

Dr. Jauncey and party were announced by the Doorkeeper of the House.

Dr. Jauncey's party was escorted to the Speaker's rostrum by Senators Parkhouse, Owen, Ratliff, Creighton and Secrest on the part of the Senate and Representatives Isaacks, Rosas, McGregor of El Paso, Atwell and Blaine on the part of the House.

The Speaker of the House announced the purpose of the Joint Session and he presented Representative Blaine to the Joint Session. Mr. Blaine as a representative of the Mayor of El Paso made all the Members of the House an Honorary Citizen of El Paso and delivered the commissions to them.

The Speaker of the House then presented Mrs. Maud Isaacks, Member of the House from El Paso and she presented Dr. Jauncey to the Joint Session.

Dr. Jauncey then addressed the Joint Session.

At the conclusion of the Joint Session the Presiding Officer (Senator Aikin in the Chair) announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

In Legislative Session

The Presiding Officer (Senator Aikin in the Chair) called the Senate to order as in Legislative Session at 12:30 o'clock p.m. today.

Senate Concurrent Resolution 30

Senator Creighton offered the following resolution:

S. C. R. No. 30, Creating the Election Law Study Committee, Membership, Procedure, etc.

Whereas, The Texas Election Code was passed in 1951, at which time the Legislature codified the existing election laws and made certain revisions; and

Whereas, Considerable changes in the code have been made in subsequent sessions of the Legislature; and

Whereas, There still remain many conflicts, ambiguities, and inadequacies; and

Whereas, There are several important proposals pending in the present Session, but both lack of time and the

magnitude of the task will militate against full and complete revisions and corrections at this Session; and

Whereas, A comprehensive revision of the election laws cannot be achieved by hasty patchwork proposals, but can come only after a careful study of the entire Election Code, with the view of identifying each and every provision needing repair, as such may be identified both from the point of view of candidates, political parties and the public alike; therefore be it

Resolved, By the Senate, the House of Representatives, concurring, that an Election Law Study Committee be, and the same is hereby, authorized to begin work upon the adjournment of this Regular Session and to continue its work and report to the 58th Legislature; and be it further

Resolved, That the Election Law Study Committee shall be composed of five members of the House of Representatives, appointed by the Speaker; five members of the Senate, appointed by the Lieutenant Governor; and five members-at-large appointed by the Governor; said members-at-large to be composed only of individuals who are responsible for the administration of Texas Election Laws and who are experienced in the conduct of elections in counties using voting machines as well as those counties using paper ballots; and be it further

Resolved, That the Attorney General and the Executive Director of the Texas Legislative Council shall be ex-officio members of said committee; and be it further

Resolved, That the Committee shall be first assembled at the call of the Governor and shall elect from its membership a chairman and a secretary; and be it further

Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the Committee in this Study; and be it further

Resolved, That the Election Law Study Committee shall make a complete study of the Texas Election Code, with any amendments thereto by the 57th Legislature, and shall report its findings and recommendations not less than ninety days before the convening of the 58th Legislature.

The resolution was read and was referred to the Committee on State Affairs.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to committees indicated:

By Senator Schwartz:

S. B. No. 379, A bill to be entitled "An Act to reorganize the State Game and Fish Commission; to reorganize the salt water activities of that Commission; to regulate the taking of shell from the waters of the State of Texas and to establish a minimum price to be paid to the State of Texas or any agency thereof for shell; repealing all laws in conflict therewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 380, A bill to be entitled "An Act to provide county wide elections in order for the majority of the electorate in certain counties to abolish the office of County Superintendent; providing if an office is abolished the County Judge shall perform the duties thereof; amending Section 1 of Acts 3rd Called Session 1920, Page 100, as last amended by Chapter 412, Acts 51st Legislature, 1949, (cited as Article 2700 of Vernon's Annotated Civil Statutes) relating to the salary of county school superintendents; amending Acts 1905, Page 263, as last amended by Chapter 322, Acts of the 53rd Legislature, 1953, (cited as Article 2701 of Vernon's Annotated Civil Statutes) relating to the ex officio county school superintendent; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. B. No. 381, A bill to be entitled "An Act amending Section 1 of Chapter 308, Acts of the 54th Legislature so as to change the name of the authority created: amending Section 2 of said chapter so as to include the cities of Haltom City, and Hurst, in the Northeast Tarrant County Water Authority; amending Section 6 of said chapter as amended so as to provide that dams and reservoirs shall be limited to the Denton Creek Watershed; amending Section 8 of said Chapter 308, Acts of the 54th Legislature to provide that certain notices may be published in a newspaper published in the authority; providing a severabil-

ity clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Schwartz:

S. B. No. 382, A bill to be entitled "An Act amending Section 1 of Chapter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.62-1, Vernon's Texas Civil Statutes, Insurance Code, to include insurers liable under marine insurance policies, and to clarify the provisions with respect to the furnishing of a certified copy of a death certificate where such a certificate is required; defining marine insurance as that term is used herein; repealing all laws or parts of law in conflict therewith to the extent of such conflict; providing a savings clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Schwartz:

S. B. No. 383, A bill to be entitled "An Act amending Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, which is codified as Article 1524a-1, Vernon's Texas Civil Statutes, by adding thereto two new Subsections defining interest and providing maximum rates; providing that all installment certificates hypothecated to secure a loan shall yield not less than one and one-half percent (1½%) interest per annum; providing for residential requirements of corporations; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. B. No. 384, A bill to be entitled "An Act permitting the commissioners courts of all counties containing more than five hundred thousand (500,000) population according to the last preceding Federal census to employ special counsel, providing special duties for such special counsel and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Baker:

S. B. No. 385, A bill to be entitled "An Act to amend Article 5924 of the Revised Civil Statutes of Texas, 1925, also codified as Article 5924, Vernon's Annotated Civil Statutes of Texas; this amendment provides that the certificate required to transact

business in the State of Texas under an assumed name, which certificate has to be filed in the office of the county clerk, shall be effective for a period of not to exceed ten years, at which time it shall automatically terminate unless the certificate is renewed; providing for the termination of all certificates now on file in the county clerk's office as of December 31, 1962; repealing all laws in conflict; providing for severability and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 386, A bill to be entitled "An Act amending Article 7641-b of the Revised Civil Statutes of Texas of 1925, as amended, so as to provide for dividing Water Improvement Districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such Districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of Directors thereof; validating and confirming all orders heretofore made by the Board of Directors of such Districts dividing said Districts into divisions, and validating and confirming all elections heretofore held for Directors for each of such divisions; requiring Directors thereof to be owners of land subject to taxation in the division from which they are elected; and also requiring that such Directors shall reside in the division from which they are elected; providing for the election of such Directors by the vote of the qualified electors of the whole Water Improvement District; providing that when the Directors of such Districts may consider it advisable from the standpoint of convenience or economy in holding such elections, they may by order entered in the minutes of the District designate one polling or voting place for two or more precincts; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Owen:

S. B. No. 387, A bill to be entitled "An Act relating to the taking of a statement from an injured person; relating to the negotiation of a settlement from an injured person; repealing all laws in conflict; and pro-

viding a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 388, A bill to be entitled "An Act providing for the compensation of the Official Shorthand Reporter of the 23rd Judicial District of Texas and the 130th Judicial District of Texas; providing for the manner of payment; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Patman:

S. B. No. 389, A bill to be entitled "An Act amending H. B. 4, Acts of the 56th Legislature, 1959, Regular Session, Chapter 382, page 846, also known as RCS Art. 6066d; by amending Section 6, sub-section (5), paragraph A; and Section 6, sub-section (6), paragraph A; and declaring an emergency."

To the Committee on State Affairs.

By Senators Patman and Reagan:

S. B. No. 390, A bill to be entitled "An Act amending Section 4 of Chapter 38, Acts of the 56th Legislature, Regular Session, 1959, as amended, to provide that nothing in the Act shall be construed so as to make the provisions of the Act inapplicable to litigations involving only questions of annexation rather than questions of incorporation; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hardeman for Senator Hazlewood:

S. J. R. No. 22, Proposing an amendment to Article 9 of the Constitution of the State of Texas, by adding a new section thereto to be known and described as Section 6, providing that the Legislature may authorize the creation of a hospital district co-extensive with the limits of Ochiltree County, Texas, authorizing the levying and rates of taxes; providing for the acquisition of land and properties for hospital uses, as well as the maintenance and operation of the same;

and authorizing the issuance of tax bonds for the purpose of the purchase, construction, acquisition, repair, or renovation of improvements; and further providing that any enabling acts shall not be invalid because of their anticipatory character.

To the Committee on Constitutional Amendments.

By Senators Gonzalez and Willis:

S. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas by amending Article VI of the Constitution to provide for the repeal of the poll tax as a prerequisite for voting and to remove any economic qualification as a prerequisite for voting except in elections held by a city, town, county or other political subdivision of the State for purposes of issuing bonds or otherwise lending credit or assuming any debt; authorizing the Legislature to provide for the registration of all qualified voters as a prerequisite for voting; deleting any special reference to voting residence of members of the armed services; referring to persons mentally not qualified to vote as "mentally incompetent," instead of "idiots and lunatics"; providing for an election; prescribing the form of the ballot and providing for the necessary proclamation and publication.

To the Committee on Constitutional Amendments.

Co-Author of Senate Joint Resolution 23

Senator Willis asked unanimous consent to be shown as co-author of S. J. R. No. 23.

There was no objection offered.

Senate Resolution 176

Senator Colson offered the following resolution:

Whereas, It has been the custom to have the photographs of the Governor, Lieutenant Governor, Senators, and Secretary of the Senate prepared in a block picture and placed in the Senate Chamber at the end of each Legislative session; and

Whereas, It is the desire of the Senate to honor the children of the Mem-

bers of the Senate as mascots; now, therefore, be it

Resolved, That all sons of the Members of the Senate who have not reached their fifth birthday are hereby elected mascots of the Senate, and that their pictures be included in the block picture of the Senate; and, be it further

Resolved, That all daughters of the Members of the Senate who have not reached their fifth birthday are hereby elected sweethearts of the Senate and their pictures be included in the block picture of the Senate; and be it further

Resolved, That this resolution shall not include the children previously named mascots or sweethearts in the Senate, and whose pictures appear on existing block picture panels of the Senate; and, be it further

Resolved, by the Senate of Texas, That a committee of three (3) Senators be appointed to arrange to have the photographs made of the Governor, Lieutenant Governor, Senators, Secretary of the Senate, Mascots, and Sweethearts, and that said photographs be arranged in a block panel and placed in the Senate Chamber, the expenses for which are to be paid out of the contingent fund of the Senate.

The resolution was read and was adopted.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 9, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 360, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Adjournment

On motion of Senator Baker the Senate at 12:45 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, March 13, 1961.

In Memory of
Mrs. Elizabeth Gardner

Senator Creighton offered the following resolution:

(Senate Resolution 168)

Whereas, Our Heavenly Father, in His infinite wisdom, did call from her earthly labors on December 15, 1960, Mrs. Elizabeth Gardner of Bowie, Montague County, Texas; and

Whereas, Mrs. Gardner was a resident of the Bowie area for seventy years, living with her daughter, Mrs. Bunah Bowman of Bowie, at the time of her death; and

Whereas, Mrs. Gardner is one of the last surviving Civil War widows, having been born the last year of the Civil War and married at sixteen to a Civil War veteran, who pre-deceased her in 1931; and

Whereas, Mrs. Gardner was an aunt of the esteemed Member of the Texas Legislature, Senator David W. Ratliff of Stamford, Texas; and

Whereas, She is survived by one hundred and seventy-two direct descendants, including two sons, Henry Gardner of Gainesville, Texas, and Hollis Gardner of National City, California; four daughters, Mrs. Bowman of Bowie, Mrs. Ruby Long of Kentucky, Mrs. Jennie Bray of California, and Mrs. Ellis Hamilton of Jacksboro; thirty-four grandchildren, eighty-eight great-grandchildren and forty-four great-great-grandchildren; and

Whereas, Mrs. Gardner was keenly interested in the affairs of her community, being a gracious and charming lady who will be long remembered by the people who were privileged to know her; and

Whereas, It is the desire of the Senate of the 57th Legislature of the State of Texas to pay tribute to the memory of this great lady who lived so many years; now, therefore, be it

Resolved, That when the Senate adjourns today, it do so in her memory and that a page in the permanent Journal of the Senate be set aside as a memorial to her; and be it further

Resolved, That copies of this resolution be sent to the sons and daughters of Mrs. Gardner.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
William Agnew Swindell

Senator Roberts offered the following resolution:

(Senate Resolution 170)

Whereas, On February 14, 1961, the State of Texas and the City of Commerce lost a great public servant and an outstanding citizen in the untimely passing of William Agnew (Bill) Swindell at the age of thirty-eight; and

Whereas, He was born on October 21, 1922, at Greenville. He graduated in 1940 from the East Texas State College Demonstration School and attended East Texas State College and the University of Texas School of Law. He served in the United States Air Force from 1942 to 1945; and

Whereas, William Agnew Swindell was elected to the Texas House of Representatives in 1949 and was re-elected to that high office in 1951; and

Whereas, He represented Hunt and Rains Counties with distinction and was highly respected by his fellow members for his devotion to duty; and

Whereas, He rendered valuable service as an employee of the State Liquor Control Board and the Department of Agriculture of the State of Texas; and

Whereas, He married the lovely Miss Faye Wiese of Austin on March 13, 1951. She was on the staff of both Governor Coke Stevenson and Governor Allan Shivers and was known throughout the State for her gracious manner and charming personality; and

Whereas, He was a prominent civic leader and was a member of the Commerce Masonic Lodge, Commerce Chapter and Council, DeMolay, Commandery of Greenville and the Shrine in Austin. He was a member of the Methodist Church; and

Whereas, He is survived by his wife, Mrs. William Agnew Swindell; two sons, Will and Shane Swindell; one brother, Dr. Sam Swindell; his father, Dr. James A. Swindell; his mother, Mrs. C. H. Salmon; and a great-aunt, Mrs. Harry Maloney; and

Whereas, It is the desire of the Senate of the Fifty-seventh Legislature of the State of Texas to pay tribute to the memory of Bill Swindell, our beloved former fellow Legislator; now, therefore, be it

Resolved by the Senate of the Fifty-seventh Legislature of the State of Texas, That we extend to the bereaved family of William Agnew Swindell our sincere and heartfelt sympathy; that a page in the Journal be set aside as a tribute to his public service for the State of Texas; and be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of our respect.

The resolution was read and was adopted by a rising vote of the Senate.